

REMARKS

The above amendment with the following remarks is submitted to be fully responsive to the Office Action of July 20, 2005. Reconsideration of this application in light of the amendment and the allowance of this application are respectfully requested.

Claims 1-39 were pending in the present application prior to the above amendment. In response to the Office Action, independent claims 1, 2, 13, 21, 26, 28, 31-39 have been amended, and dependent claims 6, 9, and 30 have been amended to better correspond to the amended independent claims. Therefore, claims 1-39 are still pending in the present application and are believed to be in proper condition for allowance.

Initially, the Applicants acknowledge with appreciation, the Examiner's cooperation in conducting a personal interview on October 9, 2005, with Mr. Douglas Schmidt, the representative of the assignee, and the undersigned legal representative. During the interview, the details of the present invention were discussed as well as the Examiner's rejection of the pending claims. As noted during the interview, this application has been examined and prosecuted since July of 2000, and has been subject of seven Office Actions. The Examiner's desire to close prosecution on this case is equally shared by the assignee of the present application. Correspondingly, the above amendments are made in view of the personal interview conducted, and it is believed that the present application is in proper condition for allowance as discussed in further detail below.

As explained to the Examiner during the personal interview, the present invention relates to method and systems for distributing and maintaining product data. As described in the specification, the customers of the product data as provided by the present invention can then use the provided product data to generate catalogs for users who can purchase desired products from the customers of the product data. Thus, the present invention allows providing of product data to customers, who in turn, generate catalogs for users. In one preferred embodiment, product data file is provided that includes both a manufacturer SKU, as well as a customer SKU, so as to allow distribution of accurate product data to the customer, and to facilitate use of such product data by the customer by providing the customer SKU, as well as the manufacturer SKU. In another embodiment of the present invention, a customer product portfolio file is electronically mapped to the system product

data file to determine which product data is not stored in the system product data file. The product data for products that are identified as not being stored is then captured, and added to the system product data file.

Referring now to the Office Action, claims 1-39 were rejected under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 5,740,425 to Povilus in view of U.S. Patent No. 6,249,772 to Walker et al. The applicants respectfully disagree for various reasons discussed during the interview and as set forth in detail below.

As discussed, the cited Povilus reference discloses a data structure and method for creating, maintaining, and publishing multiple renditions of both electronic and printed, single and multi-manufacturer catalogs using a single product database. The disclosed data structure includes means for creating a product database that includes a listing of SKUs, each SKU corresponding to a product or a component of a product. The product database is further described as including product information for each associated SKU, and an identification of each concept node or class of products in which each SKU can be located. Thus, Povilus discloses a method in which a data structure is used to create a product database based on the class/group of products that includes SKUs of products.

In contrast, as explained during the interview, the Walker et al. reference is directed to a completely different field of art that allows a buyer to purchase a product from a merchant at a reduced price that is different than the price that the merchant normally sells the product. (See Abstract). In this regard, the Walker et al. reference discloses a system and method in which a price is pre-negotiated through a contract between the manufacturer of the product and the merchant for allowing the buyer to buy the product at the reduced price from the merchant. (See col. 5, lines 3-12). The reference further discloses that the manufacturer provides additional compensation to the merchant to offset the discount provided to the buyer.

Thus, the invention disclosed in Walker et al. is directed to pricing of products in commerce, and does not relate at all to the distribution of data, or maintaining catalog data, which are the subject of the present invention and the cited Povilus reference. Correspondingly, the Walker et al. reference is not a relevant reference since it is not in the same field of endeavor, and is not reasonably pertinent to the problems addressed by the present invention. In this regard, the Examiner is respectfully reminded that in order to

properly rely on a reference as a basis for rejection of an applicant's invention, "the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." MPEP 2141.01(a) citing *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). Moreover, these references fail to teach or suggest combining them together in the manner suggested by the Examiner. Of course, this is as expected, since these references are directed to different fields of endeavor and technology. In this regard, the Examiner is also reminded that "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." MPEP §§ 2142 and 2143 (citing *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)) (see also MPEP § 706.02(j)).

Regardless of the above, as conceded by the Examiner in the rejection of independent claims 1, 31 to 33, Povilus does not disclose a method of storing product data including both a manufacturer SKU and a customer SKU. The Examiner asserted in the Office Action that the "STORE ID NUMBER" disclosed in Walker et al. corresponds to the "customer SKU" recited in these claims. However, as explained during the interview, the STORE ID NUMBER disclosed in Walker et al. is a number that merely identifies the store itself so that available inventory at the particular store can be indicated. (See Col. 15, lines 32-39). In other words, the disclosed STORE ID NUMBER is associated with the particular store that sells the product, and does not identify, or function to identify, the product that is being sold by the store. Correspondingly, the cited Walker et al. reference fails to cure the deficiencies of the Povilus reference. Thus, even if these references are combined in the manner suggested, such a combination still fails to disclose, teach, or otherwise the present invention as claimed.

In particular, claim 1 of the present application recites a method for distributing data for use in a catalog which includes capturing product data for one or more products according to a data model, and storing the product data captured. Claim 1, as well as rejected claims 31 to 33, further recite that product data includes both a manufacturer SKU that identifies each of the products, and customer SKU that identifies each of the products. Each customer SKU is also associated with a customer. This provision of both the

manufacturer SKU and the customer SKU is an important feature of the present embodiment because it greatly facilitates the customers' ability to generate a catalog for the users. For example, if the customer is a retailer, the present embodiment allows the customer to receive product data with the SKU of the manufacturer of the product, and its own SKU. This allows the catalog to be easily generated by the customer since it can use its own SKU, without requiring modification of the data or inputting of additional data.

In the above regard, the Examiner is again reminded that "to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations." MPEP §§ 2142 and 2143 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)) (see also MPEP § 706.02(j)). Clearly, the Examiner has failed to establish all three basic criteria required for properly establishing obviousness. Therefore, for the above reasons, the above rejection of independent claims 1, 31, 32, and 33 are believed to be improper, and the withdrawal thereof is respectfully requested.

However, in view of the concerns expressed by the Examiner during the personal interview, and to expedite the prosecution of the present application, these independent claims have been amended to specifically recite that the product data is stored in the product data file, that the product data in the product data file includes both a manufacturer SKU and at least one customer SKU, and that the manufacturer SKU is associated with at least one customer SKU. Clearly, the cited references, even if they can be properly combined in the manner suggested by the Examiner, still fail to disclose, or render obvious, the present invention as recited in these claims. Correspondingly, the withdrawal of this rejection and the allowance of independent claims 1, and 31 to 33, as well as dependent claims dependent thereon, are respectfully requested.

Referring again to the Office Action, independent claims 2, and 34 to 36 were rejected as obvious in view of Povilus and Walker. However, this rejection is also believed to be improper in that Povilus and Walker et al. cannot be properly combined as discussed above. In addition, even if these references are combined, they still fail to

disclose the invention as recited in these claims. For example, as explained during the interview, claim 2 recites a method of maintaining catalog data including receiving a customer product portfolio file that includes at least one SKU, and mapping of this file to the system product data file to identify products for which product data is not stored in the system product data file. Such missing product data is then captured and stored in the system product data file.

Povilus does appear to provide a method and system for creating and naming a new product for storage in a database by allowing manual selection of the desired type of change, by creating a new record, and naming the new product in the manner shown in Figure 31B. However, the Povilus reference does not teach a customer product portfolio file that is distinct from the system product data file, or mapping the customer product portfolio file to the system product data file so as to identify data that is not in the system product data file. Correspondingly, Povilus also does not teach indicating whether product data has been obtained and stored in the system product data file, or capturing the product data to be incorporated into the system product data file. These deficiencies of Povilus are also not addressed in any manner by the cited Walker et al. secondary reference. Therefore, this rejection is believed to be improper, and the allowance of independent claims 2, 34 to 36, as well as dependent claims dependent thereon is respectfully requested.

However, to expedite prosecution of the present claims, these claims have been amended to specifically recite that the customer product portfolio file includes a plurality of SKUs associated with a plurality of products, clarify that product data requested and captured is for use in an electronic catalog, and to recite that mapping indicates whether the product data was previously obtained and stored in the system product data file. Clearly, the cited Povilus reference and the secondary Walker et al. reference, fail to disclose or otherwise suggest the present invention as claimed even if they are combinable. Therefore, for the forgoing reasons, the allowance of independent claims 2 and 34 to 36, as well as dependent claims dependent thereon, are respectfully requested.

Referring again to the Office Action, dependent claims 3-12 were also rejected as being rendered obvious by Povilus in view of Walker et al. However, these claims are dependent upon independent claim 2 which, as discussed above, is believed to be in proper

condition for allowance. Therefore, these dependent claims are believed to also be allowable at least for the reason of their dependency on an allowable independent claim. Moreover, the cited references do not disclose, or suggest the various features recited in the dependent claims even when combined in the manner suggested by the Examiner. For example, the combination of the cited references fail to teach generating an enriched product data as recited in claims 5 and 6, or a customer product portfolio file that includes a manufacturer SKU, a customer SKU, a manufacturer identifier, and a product description as recited in claim 7. Other features recited in the other rejected claims are also not disclosed, and thus, these claims are believed to be patentable over the cited prior art as well as discussed in the response to the previous Office Action. Correspondingly, the allowance of dependent claims 3-12 is also respectfully requested.

Referring again to the Office Action, independent claims 13 and 37 were rejected as being rendered obvious by Povilus in view of Walker et al. Again, the applicants respectfully disagree with the rejection. As explained during the interview, these claims recite receiving a customer product portfolio file, and mapping the customer product portfolio file to the system product data file, such mapping not being disclosed or taught in either Povilus or Walker et al. In addition, these claims further recite generating enriched product data according to a customer profile, the enriched product data including newly added product data from the system product data file. This feature is clearly not disclosed or taught by the cited references. Correspondingly, in view of the above, this rejection is also believed to be improper and the withdrawal of this rejection and the allowance of independent claims 13 and 37 are requested.

However, to further expedite prosecution of the present application in view of the Examiner's concerns expressed during the interview, these claims have been amended to specifically recite that the customer product portfolio file includes a plurality of SKUs, the product data is for use in an electronic catalog, and the enriched product data includes added product data from the system product data file, the enriched product data being transmitted to the customer. Clearly, the cited references fail to even remotely suggest the present invention as recited in independent claims 13 and 37. Correspondingly, the withdrawal and the allowance of these claims are respectfully requested.

Referring again to the Office Action, dependent claims 14-20, and 30 were also rejected based on the combination of Povilus in view of Walker. However, these claims are dependent upon independent claim 13 which is believed to be in proper condition for allowance, as discussed above. Moreover, dependent claims 17 and 18 further recite obtaining attribute values, and claim 18 recites producing a list of related products, both of these features being not disclosed or suggested in the cited references. Therefore, the withdrawal and the allowance of these dependent claims are also requested.

Referring again to the Office Action, independent claim 21 as well as dependent claim 29 dependent thereon, were also rejected based on Povilus in view of Walker et al. However, claim 21 recites a customer product portfolio file including a manufacturer SKU, and a customer SKU which is not disclosed, taught, or otherwise suggested by Povilus or Walker et al. as discussed above relative to independent claim 1. Therefore, the withdrawal of this rejection is also respectfully requested.

Moreover, to expedite prosecution, claim 21 has also been amended above to specifically recite that the product data is for use in an electronic catalog, that the customer product portfolio file is electronically mapped to the system product data file, and that the mapping identifies products for which product data has not been previously obtained and stored. Clearly, these features are not disclosed or rendered obvious by the combination of the Povilus and Walker et al. references, even if they were combinable. Correspondingly, the withdrawal and the allowance of these claims are respectfully requested.

Dependent claims 22-25, and 29 were also rejected as being unpatentable in view of Povilus and Walker et al. However, these claims are dependent upon independent claim 21 which is believed to be in proper condition for allowance as discussed above. Therefore, these dependent claims are also in proper condition for allowance as well, and the applicants request the withdrawal of this rejection.

Referring again to the Office Action, independent claim 26 and dependent claim 27 were rejected as also being unpatentable in view of Povilus and Walker et al. This rejection is believed to be improper in that, as explained in the previously submitted Amendment, claim 26 recites accepting a selection of at least one of the set of attributes which correspond to a category, and accepting a selection of products within the category. The systems and methods disclosed in Povilus, or Walker et al., do not disclose or

otherwise suggest, acceptance of an attribute associated with a product. Thus, the cited prior art references do not allow searching for products based upon attributes of the products such as speed of a processor, a size of memory, etc. in the example category of computers. Therefore, the withdrawal and allowance of claims 26 and 27 are requested.

Referring again to the Office Action, independent claim 28 was rejected based on Povilus in view of Walker et al. The applicants again disagree with the Examiner's rejection in that independent claim 28 recites a method of querying including accepting a user query specifying a product, as well as a catalog component that is to be retrieved. As explained in the response to the previous Office Action, this means that the customer can customize the type of information regarding a product which is to be retrieved and transmitted to the customer. Correspondingly, the customer is not provided with all the information associated with the product, but only the type of information desired by the customer. Thus, the customer can provide a query that specifies one or more of the catalog components such as the product description, technical specifications, a marketing description, an image, and/or a URL is to be provided as a result of the query. In this regard, the claim further recites obtaining of a catalog component definition that is associated with the catalog component, and defines a format for the catalog component. Clearly, the cited Povilus and Walker et al. references do not disclose these features. Therefore, the withdrawal and the allowance of claim 28 is respectfully requested.

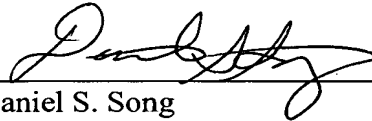
Referring again to the Office Action, the Examiner rejected independent claims 37 to 39 as being rendered obvious by Povilus in view of Walker et al. However, the Office Action again fails to provide any discussion of the basis or rationale for this rejection. As noted in the response to the previous Office Action these independent claims all recite a customer profile, and further recite generating enriched product data. Both of these features are not disclosed, or otherwise rendered obvious, by Povilus or Walker et al. Therefore, the withdrawal of this rejection and the allowance of these claims are also requested.

However, to expedite prosecution of the present application, these claims have been amended to specifically recite that the customer product portfolio file includes a plurality of SKUs, and that the product data is for use in an electronic catalog. Moreover, these claims have been further amended to specifically recite that the enriched product

data includes added product data, which is transmitted to the customer. Clearly, the cited combination of Povilus and Walker et al. references fails to disclose, or even suggest such features. Therefore, the allowance of claims 37 to 39 are respectfully requested.

Finally, as previously noted, this application has had an extensive prosecution history with the present Examiner. As discussed during the interview, it is believed that quick disposition of the present application is in order. Correspondingly, prompt consideration and allowance of the present claims are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel S. Song', is written over a horizontal line.

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